

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

OCTOBER 21, 2002

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
CLIVE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Murphy at 10:00 a.m. on Monday, October 21, 2002, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Lisa Davis Cook – Arrived at 10:40
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Chair
Jerry Peckumn
Kelly Tobin
Rita Venner, Secretary

MEMBERS ABSENT

Terrance Townsend
Gary Priebe

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item 2 Approval of Minutes from October 9, 2002

Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Director Jeffrey Vonk said he would like to thank the Commissioners for the way they handled the October 9 hearings. He felt that they had dealt with the issues very thoroughly. He said they had been appointed by the Governor to this Commission as informed citizens to act on very important and weighty issues regarding the Department of Natural Resources. By statute they are charged with approving both the policies and rules that the department uses to operate and they have the legitimate right to ask questions as those policies and rules are enacted in specific cases, which is what they did on October 9. He said he felt the decision made in both cases were appropriate and well within the Commission's legal bounds.

Darrell Hanson asked about the media reports of permits being granted for confined animal feeding operation without public notice being given.

Director Vonk said there is a very public situation in Spirit Lake where the department has gone through the process of reviewing the construction permit for a hog confinement and has issued

the permit. The local residents became upset because they did not know about the facility until the heavy equipment was brought to the site. As the department went back through the process used to review the permit application it was noted that there had been a couple of minor administrative errors made, however the bottom line was that there had been no public notice given to the residents by Dickenson County Board of Supervisors. He said the department is currently operating between Legislative statutes and it was the department's interpretation that this created a nine month period of limbo with regard to public notice, which was what they told county officials when asked about it. The Director asked the Attorney General for his opinion on the five issues raised by the residents of Dickenson County. The Attorney General advised the department that we were in error in assuming that public notice was not required. He said the Attorney General said that by statute, County Boards of Supervisors are required to give public notice once they become aware of a construction permit application. Consequently the department has notified the Dickenson County Board of Supervisors that the permit, while still valid, has some deficiencies and the department will be going through the process to cure the deficiencies. This means the department will go back to the point where public notice is given. He said the board has met and has decided to comply and has scheduled a hearing for later this month. Because of that ruling the department reviewed the permits that are currently in various stages of being processed and has identified a number of them that had not gone through the public notice process. The department has informed both the producers and the County Boards of Supervisors associated with these permits that they need to give public notice of intent to construct.

CONTRACT IOWA STATE UNIVERSITY - IOWA INDUSTRIES OF THE FUTURE 2003

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the contract for services between the Department and Iowa State University (Contractor), to continue the development of the state-level Iowa Industries of the Future (IOF) Program in the chemical industry. The contract amount is not to exceed \$90,909 for the period October 15, 2002 through September 30, 2003. This expenditure will result in offering training to chemical sectors on Best Practices, productivity improvement, and energy and waste reduction efforts. Research opportunities will be identified and prioritized; appropriate Best Practices will also be identified and information disseminated. A sample list of work items the Contractor will perform include, but is not limited to:

- Update the Iowa Industries of the Future web site with additional information regarding Iowa technology showcases, outcomes of visioning workshops and results of gap analyses;
- Disseminate information through the ISU Extension network including national and state vision and roadmap documents, material on Best Practices programs, and information on research;
- Conduct an Annual Symposium in 2003 to showcase the accomplishments of the Iowa Industries of the Future and to unveil the Iowa chemical industry vision and roadmap;
- Conduct 3 presentations to build awareness of the chemical vision and road map. Information packets with a theme of pre-competitive collaboration will be developed and distributed; and
- Engage the research community to perform a gap analysis and to prioritize chemical research needs. A university-led workshop will be held to perform a gap analysis to determine what technology is readily available and what additional research is needed for Iowa reach its vision.

Background

Due to the strong link between agriculture and many of Iowa's industries, it was conservatively estimated that a 15 percent improvement in energy efficiency is feasible across the agricultural industry. Advancements in energy efficiency, productivity, and the use of crops as substitute materials in petroleum-based products might produce savings of \$1.5 billion in Iowa alone (1996 dollars).

The Iowa IOF 03 effort will build on the successes of the first two years, which involved the development of a metal casting and agriculture Iowa IOF.

- **Metal Casting**—During the first year of Iowa's IOF program, the Metal Casting Initiative was chosen because it was expected to achieve rapid success due to the ability to track the number of metal casters in Iowa. The metal casting industries throughout the state are intricately linked to the university system, especially the University of Northern Iowa's (UNI's) Metal Casting Center. Although Iowa's metal casting industry is small, it has seen much change in recent decades due to UNI's Metal Casting Center's research and expertise in die-casting. The Agriculture Initiative began approximately six months after the Metal Casting Initiative so it could be built on the many facets of information gleaned from the Metal Casting Initiative. The Chemical Industry Initiative in turn was built on the successes and knowledge gained from the Metal Casting and Agriculture Initiatives.
- **Agriculture** – Based on Gross State Product (GSP), agriculture and processing is the largest industry in Iowa representing approximately 10% of the total GSP. One fourth of the world's most productive land (class A soil) is located in Iowa. Agriculture and the Bio Economy are the centerpieces of the Iowa Industries of the Future.
- **Chemical** – Based on the value of shipments, the second largest industry in Iowa is chemicals. Approximately 80% of the chemical companies in Iowa are involved with agriculture fertilizers, pesticides, or other ag-related chemicals. Due to the close ties to agriculture, the chemical industry is a natural progression for the Iowa IOF efforts.

Contractor Selection

The Iowa Department of Natural Resources subcontracts the State Industries of the Future effort to the Center for Industrial Research and Service (CIRAS), Iowa State University. CIRAS provides the vehicle by which the university carries out its land grant mission to Iowa's manufacturers by providing assistance to help them identify industrial problems and connect them with the latest technical information. It will be easier for the Industries of the Future process to become self-sustaining because of this link to ISU industrial extension.

No general fund monies will be used to meet these obligations. Funding for this contract is from the U.S. Department of Energy.

At this time, the Department requests Commission approval to enter into a contract with Iowa State University to complete Iowa Industries of the Future 2003.

Wayne Gieselman briefed the Commission on the proposed contract.

Motion was made by Lori Glanzman to approve the contract as presented. Seconded by Jerry Peckumn. Motion carried with five aye votes. Darrell Hanson abstained from the voting due to conflict of interest.

APPROVED AS PRESENTED

CONTRACT STATE PUBLIC POLICY GROUP - STATE LANDFILL BAN PROCEDURE AND OIL FILTER TEST CASE

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the attached contract for services between the Department and State Public Policy Group, to research, design, and test a state landfill ban procedure, utilizing used oil filters as the test case. The contract amount is not to exceed \$50,000 for the period October 2002 through February 2003. This expenditure will result in the development of a state landfill ban procedure, including:

- An analysis of model landfill ban procedures utilized by other states, regional government authorities, and non-governmental organizations.
- A detailed and practical, step-by-step procedure to determine and justify the implementation, or non-implementation, of a statewide landfill ban for a particular waste.
- A detailed, real-world test of the landfill ban procedure utilizing used oil filters as the test case.
- Meetings with DNR staff and a stakeholder advisory committee to discuss the model landfill ban procedure at every significant phase of the project.
- A final report to DNR staff and stakeholders of a model state landfill ban procedure, and results of the used oil filter test case, that provides a solid basis for future legislative proposals and Department policy.

Background

The Energy & Waste Management Bureau (Bureau) of the Iowa Department of Natural Resources (DNR) is responsible for establishing rules to permit and regulate the collection, treatment, operation, pollution control, and disposal of solid waste in the State of Iowa. As such, the Bureau regularly receives requests from legislators, local governments, and citizens to either ban or not ban certain components of the waste stream. Recently such requests have focused on used oil filters, but interest has also been expressed toward electronics.

The DNR is committed to improving the quality and environmental performance of integrated solid waste management systems in Iowa. A detailed and practical procedure for evaluating the feasibility of implementing a statewide landfill ban of certain wastes would help the DNR improve its regulatory and policy decision-making.

Contractor Selection

The Bureau mailed copies of the RFP to consultants on our mailing list and made the RFP available on our web site. Two proposals were received. A review team consisting of four Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, budget, and references.

After reviewing the proposals, the review committee selected a proposal from the State Public Policy Group. The reasons for the selection were the firm's extensive previous experience on projects that required input from stakeholders, the quality of their work-plan, and excellent reviews from other clients including the IDNR. A table detailing the reviewer's scores is given below.

	Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Avg. Score (100 max)

SPPG	95	92	86	89	90.5
Tetra Tech	67	76	50	71	66.0

No general fund monies will be used to meet these obligations. The source of funding for the project is the Solid Waste Alternatives Program (SWAP). This project has been designated as a SWAP “targeted project” by an advisory committee comprised of stakeholders.

At this time, the Department requests Commission approval to enter into a contract with the State Public Policy Group for the state landfill ban procedure and used oil filter test case.

Jeff Myrom from Energy and Waste Management Bureau briefed the Commission on the proposed contract. He said the stakeholders committee would be made up of people who would be potentially impacted by a landfill ban. They will develop a practical procedure and then test it on oil filters. This does not mean that they will actually ban oil filters instead they will survey people to see how feasible a ban would be. He said their main objective is to be able to report to the Legislator as to whether or not it is feasible.

Motion was made by Kelly Tobin to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.

Rita Venner asked what would happen to the items that would potentially be banned from landfills.

Jeff Myrom said they would have to be separated by the generator and then taken to a recycler if a market exists. He said the possibility of an end market is one of the things they hope to determine with this study.

Kathryn Murphy said this is a collaboration of stakeholders and the department and it is good to see that kind of work being done.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION CHAPTER 117 REQUIREMENTS FOR WASTE TIRE FACILITIES (SET BACK DISTANCES)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission’s review and decision is a Notice of Intended Action to amend administrative rule chapter 567-117 “Waste Tire Facilities.” The Commission was provided with this Notice as an information item at its September meeting. The request for action on this rule chapter is to clarify setback distances for waste tire stockpiles at permitted waste tire stockpile storage sites, pursuant to requirements set forth in Iowa Code Chapter 455D.11, and to update references to the Iowa Code where appropriate.

As the Commission may recall, the Administrative Rules Review Committee (ARRC) reviewed Chapter 117 as a final rule at their June 11, 2002 meeting. At that time, committee members expressed their concerns with rule references regarding the prohibition of open burning within 300 feet of any tire pile. ARRC believed that unintentional consequences of this prohibition could affect landowners located adjacent to a permitted waste tire facility in the event that property boundaries are within 300 feet of a tire pile as stipulated in the rule. The concern was that the rule would place undue property restrictions on activities of neighboring landowners.

As Iowa Code Chapter 455D.11(4)a. does state that the department shall develop rules to limit, "The prohibition of burning within one hundred yards of a tire stockpile," these proposed amendments have been developed to ensure compliance with the law. However, the amendment language will not impose any undo restrictions on adjacent property owners, as the amendment requires a 300 foot separation distance between a permitted stockpile and the permittee's nearest property boundary.

It should also be noted that this amendment for a 300' setback will apply to permitted aboveground "stockpile sites", and will not apply to permitted "tire processing" sites or to below ground waste tire storage sites. Currently, there are no permitted aboveground tire stockpile sites in the state. As a point of information, the only below-ground waste tire storage site is Pattison Brothers Grain Terminal, in Clayton County.

(A copy of the notice of intended notice is available in the department's record center.)

Wayne Gieselman said this rule came before the Commission as a final rule in May of 2002, however, the Administrative Rules committee expressed concern about the fact that the rule required no open burning within 300 feet of a tire pile because it could inadvertently affect residents living around the tire pile. In response to those concerns the department revised the rule to require that tire piles be located no closer than 300 feet of the property line.

Motion was made by Rita Venner to approve the notice of intended action as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

**PROPOSED RULE - CHAPTER 108, REUSE OF SOLID WASTE (RESCISSION);
CHAPTER 108 BENEFICIAL USE DETERMINATIONS; SOLID BYPRODUCTS AS
RESOURCES & ALTERNATIVE COVER MATERIAL (ADOPTION)**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is provided the attached proposed Notice of Intended Action for the rulemaking described therein. This rulemaking will be presented to the Commission at its February 2003 meeting for approval. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau's administrative rules for the beneficial use of solid waste are being revised as directed by the Governor's Executive Order No. 8. The beneficial use chapter establishes rules for determining when a solid byproduct is a resource and not a solid

waste. The chapter also encourages the utilization of solid byproducts as resources when such utilization improves, or at a minimum does not adversely affect, human health and the environment.

Numerous solid byproducts that present low or negligible risk are produced in Iowa in high volumes. These materials include, but are not limited to, coal combustion byproducts, foundry sand, and paper mill sludge. Such byproducts need not be disposed of in a sanitary landfill, unnecessarily utilizing permitted disposal air-space, if safe and economical beneficial use alternatives exist. This chapter defines universally approved beneficial uses, based on the Department's previous permitting experiences, and the application process for new beneficial uses.

These rules were developed in conjunction with an advisory committee consisting of industrial waste generators, engineers, industrial waste users, IDNR field office staff, the Iowa Waste Exchange, and ISOSWO. Furthermore, additional guidance was solicited from other states, the U.S. Department of Energy, and the U.S. EPA.

(A copy of the proposed rules is available in the department's record center.)

Jeff Myrom said this rulemaking is in response to the Governor's Executive Order #8. He said this rule allows industries that produce large volumes of low risk waste to have a mechanism to divert it from the landfills through incorporation into another product or use as fill material.

INFORMATION ONLY

PUBLIC PARTICIPATION

Horton-Plasket, Elizabeth (Master Matrix)

Elizabeth Horton Plasket, Executive Director for the Iowa Environmental Council said she would like the record to show the following correction to item number eight of the EPC agenda. On the second page of the notice of intended action it states "The committee did not reach a consensus on the inclusion or exclusion of two mitigating factors: 1. awarding points for the non-therapeutic use of antibiotics." She said it should read: 1. awarding points for not using non-therapeutic antibiotics. She then read a statement supporting a minimum score in the three risk areas: water quality, air quality, and community concerns. She said that her organization did not believe that a minimum overall score of 50% was high enough and recommended a minimum overall score of 65% or higher.

(A copy of Iowa Environmental Council's written statement is available in the department's record center.)

Mulqueen, Bob (Amendment to Chapter 65)

Bob Mulqueen, with the Iowa State Association of Counties said he would like to echo Elizabeth Horton-Plasket's comments on the importance of minimum scores in the three risk areas. He said that in going through the notice of intended action he noticed that the first paragraph for section 65.10 (3) states "A county board of supervisors that has adopted a construction evaluation resolution may designate a county employee to accompany a departmental official during the site

inspection.” He said while there was a provision for this in the legislation; it did not specify that adoption of the resolution to use the matrix as a condition of accompanying the departmental official on the site inspection and they do not believe that it should be included in the rules.

Gruenhagen, Christina (Amendment to Chapter 65)

Christina Gruenhagen, Public Affairs Council for Iowa Farm Bureau Federation said the master matrix is a set of new regulations that will be over and above what the department is going to be implementing under Senate File 2293 and should therefore be workable, flexible, and be able to be applied to everyone equally. She said it should not be used to keep livestock farmers from expanding or building new facilities at appropriate sites. She said with regard to the issue of public notice for permit applications the miscommunication and failure to comply with the law by both the DNR and counties has resulted in a minimum of a 30 day delay for farmers who as a result will be unable to build this fall. This will result in a loss of profits for these farmers as there is expected to be an uptake in pork prices next spring which these producers will be unable to take advantage of. She asked Commission to reconsider the departments’ policy of waiting the extra thirty days as it is not required by statute and the process in the Iowa Code has been followed once the written public notice has been printed in the newspaper.

(A copy of Christiana Gruenhagen’s written comments is available in the department’s record center.)

McAfee, Eldon (County Publication of CAFO Permit Applications)

Eldon McAfee, Attorney for the Iowa Pork Producer’s Association said that the Iowa Pork Producers Association strongly supports the intent of the legislation being one matrix and one matrix score. He said he would like to address the policy of the DNR regarding county publication. He said we are in the stage in the construction season where days are critical. It is his opinion that SF2293 deleted the section that required the counties to give public notice to put in a new section which does not take affect until March 1, 2003. He agreed with the department’s original position that the interim section to be used until March 1, 2003 did not require publication of notice. The producers have done everything required of them to obtain a permit and feel they are being punished for the county’s failure to provide public notice. He feels if a county published notice of receipt of a permit application in their minutes it should suffice during this interim period. He said in addition the law has never required a thirty day waiting period after publication.

(A copy of Mr. McAfee’s written statement is available in the department’s record center.)

Robinson, Rick (Manure Application Highly Erodible Land)

Rick Robinson, Director of Environmental Affairs for the Iowa Farm Bureau Federation said approximately two weeks ago the Commission denied a permit for the construction of a hog confinement facility and he would like to discuss the statewide implications of that decision. He said one of the reasons for denying the permit was because the manure management plan called for the application of manure on highly erodible land, which makes up 39% of Iowa agricultural land. Therefore that proposed ban could adversely affect more than 14 million acres in the State of Iowa with more than a 5% slope. He said the new requirement, if applied across the state will unfairly penalize farmers in southern and northeastern Iowa and will likely increase

concentration of production in central Iowa. He said attached to his written statement are some maps of a couple of townships in Iowa, which shows the potential impact of this new requirement. He said that NRCS recognizes a potential risk for runoff on slopes greater than 5% but they also know that it can be controlled through groundcover. He said that a ban is a very aggressive approach to manure application on highly erodible land and would be short-sighted, not supported by science, and an economic hardship on livestock producers.

Darrell Hanson said he felt Mr. Robinson had made a good point that the concern for highly erodible land is not manure runoff, it is nutrient runoff and if you do not put manure on it that does not mean someone will not use fertilizer. However, he said it was his recollection that the concern was not so much that it was highly erodible land but that the land possibly would not have an approved soil conservation plan.

Director Vonk said it was his understanding that the key question asked was if the department knew that this land was certified to be in compliance with its soil conservation plan. The answer to that was that we did not know because a compliance check had been done and no one at DNR had access to the findings from the field review. He said as a result of this decision the department has begun discussions to determine how our existing policy melds with the reality of operating. He said the department plans to explore this issue further with USDA.

NOTICE OF INTENDED ACTION-CHAPTER 65 (AMENDMENTS TO DEFINITIONS; MINIMUM SEPARATION DISTANCES FOR LAND APPLICATION OF MANURE AND CONSTRUCTION OF CONFINEMENT FEEDING OPERATION STRUCTURES; COLLECTION OF ANNUAL COMPLIANCE FEE; SUBMISSION OF ANNUAL MANURE MANAGEMENT PLAN UPDATES; THE SITE INSPECTION AND CONSTRUCTION PERMIT APPLICATION REVIEW PROCESS; REPLACEMENT OF INTERIM MATRIX WITH MASTER MATRIX AND AMENDMENT OF TABLE 6)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Items presented to the Commission last month for informational purposes are now combined in one Notice of Intended Action with amendment items as follows:

- ITEM 1 – Amendments would be made to the following definitions: anaerobic lagoon, animal, animal feeding operation, animal feeding operation structure, confinement feeding operation building or confinement building, confinement feeding operation structure, formed manure storage structure, small animal feeding operation, unformed manure storage structure. New definitions would be added to Chapter 65, including: animal unit capacity, document, high-quality water resource, internet, karst terrain, professional engineer, water source, and water of the state.
- ITEM 2 – Amendments would be made to minimum separation distances for the land application of manure in proximity to designated areas.
- ITEM 3 – Rescind paragraph regarding use of interim matrix.
- ITEM 4 – Amendments would be made to minimum separation distances for the land application of manure.

- ITEM 5 – Amendments regarding persons required to submit manure management plans and updates.
- ITEM 6 – Amendments regarding the submission of annual manure management plan updates and annual compliance fee.
- ITEM 7 – Amendments to rule governing site inspection and construction permit application review process.
- ITEM 8 – Rescind Appendix C, Interim Matrix, and replace with Master Matrix.
- ITEM 9 – Amendments would be made to Table 6, modifying animal weight capacity to animal units and increased separation distances.

(A copy of the notice of intended action is available in the department's record center.)

Robin Puisner distributed a revised notice of intended action to the Commissioners. She said in response to the comments made by Bob Mulqueen from the Iowa Association of Counties it is a statutory requirement that the counties adopt the resolution in order to accompany the department on a site visit. She said the changes made to the notice of intended action, indicated by shading on the document she handed out, consist of a public hearing date and ICN locations and the requirements the county will need to comply with for public notice. She said the county will be required publish notice as soon as possible but no later than 14 days and send the department proof of public notice within thirty days of receiving the permit application. This lays the burden on the counties.

Rita Venner asked why the proposed rule allows up to 14 days for the notice to be published.

Robin Puisner said that it was a worst case scenario for counties with weekly newspapers.

Rita Venner asked when the 30 day comment period began.

Robin Puisner said it begins the day the application is received.

Darrell Hanson asked if it would be allowable for the department to allow by rule, notification of counties who had not adopted the resolution of the date and time the department will be inspecting a proposed site.

Robin Puisner said the statute is silent on that issue.

Wayne Gieselman said it has been common practice to notify the county or the county designee prior to inspecting a proposed site. He said he does not feel that it was a deliberate attempt by the department to exclude counties who had not adopted the resolution from this process.

Robin Puisner said in response to the comments made by Farm Bureau on the 36 permit applications being delayed to allow for public comment; the thirty day comment period begins on the day the county receives the notification from Department.

Rita Venner asked why the producers were being required to submit yearly manure management plans to the department and the county.

Robin Puisner said that producers are required to submit the manure management plan to the county the facility is located in and any county where the manure is being applied because it allows residents a local place to review it.

Darrell Hanson said he would like to have number 36 on the matrix dealing with the use phytase struck from the matrix because while it is probably a very good idea there are some areas of the state where the phosphorus in the manure is not an issue and in other areas of the state that when the phosphorus standard comes it will probably be necessary for the producers to use no matter what. In addition he does not feel that this would be easily enforceable.

Chairperson Kathryn Murphy said that Commissioner Glanzman had done some touring of the confinement facilities in her area and asked her to give her impressions.

Lori Glanzman said that on Monday, October 14, 2002 Robin Puisner took her on a tour of four confinement facilities in Southeast Iowa. She said that one of the facilities was located on a dead end gravel road away from everyone, and it used the fields around it to apply its manure, but when they ran the facility on the matrix it did not receive a passing score because the owner did not live near the facility. She said the people who gave the tour had twelve facilities in the area and had run the matrix on them to see how they would have scored. They found that five of the facilities did not meet the minimum requirements as they are built today. She said she is anxious to get the master matrix out for public comment.

Jerry Peckumn asked who the master matrix would apply to.

Robin Puisner said that the matrix would take effect on March 1, 2003 and will be applied to any application for a construction permit which means that it will include any facility of 1,000 animal units or more.

Jerry Peckumn asked if it would apply to facilities who wish to expand.

Robin Puisner said it would be applied if the expansion took the facility to more than 1,666 animal units.

Jerry Peckumn asked if the older portion of the facility would be considered when a producer applies for an expansion permit.

Reza Khosravi said the department does not look at the existing portion of the facility when considering an expansion permit unless they are planning to modify it.

Kathryn Murphy said she had heard comments that it is difficult for existing facilities to obtain a passing score in air quality on the matrix and she is concerned that we are setting rules that are next to impossible to meet.

Robin Puisner distributed the results for existing facilities on which she has run the matrix. She said she asked staff to select what they considered good sites and bad sites and run the matrix as

they are built now and then she had them run it if they were building under the matrix and had chosen to do some things to boost their score. She said that these test show that the air quality subcategory is the toughest to get.

Jerry Peckumn said the purpose of the matrix is to improve the air and water quality so we should not expect all of the current facilities to pass.

Darrell Hanson said it is understood that there are places out there that would not meet the standards or else there would have been no need to adopt them. He asked if Robin knew if the facilities that did not pass were considered the bad facilities.

Lori Glanzman said that one of them was the one they visited at the end of a gravel road and she thought it should have passed but because of the homestead credit and the family farm credit it did not.

Kelly Tobin asked about the possibility of increasing the total number of points required to pass the matrix as was requested by some of the speakers during the public participation.

Jeff Vonk said he expected to hear that the 50% mark is too high a standard during the public comment period of the rulemaking. He cautioned the Commission about putting too much emphasis on the fact that they had heard two people say that it is too low.

Jerry Peckumn said he is concerned with 50 to 60 percent of the points available have to do with the proximity issue because the sites that he is aware of could pass the matrix using the proximity points alone and there would be little incentive for them to adopt other measures.

Robin Puisner said the matrix is divided into two sections; the first is site characteristics, the second half deals with the ongoing operation and manure management. The site characteristics are fairly permanent and relatively inflexible. The second half deals with things that need to stay flexible from a farmer's perspective. She said she believed it was the committee's intent was to deal with the fact that people do not want to live beside these hog facilities, so they associated the larger number of points with those issues.

Jerry Peckumn said that the high number of points associated with proximity would make certain areas more valuable and could cause property values to increase because they would be a good place to build a confinement facility. In addition the lower values associated with the other mitigating factors would make it difficult for someone who does not meet all of the proximity factors to pass the matrix.

Robin Puisner said the more difficult a mitigating factor was to enforce the fewer points it was allowed on the matrix.

Jeff Vonk told the Commission to keep in mind that the matrix was developed through a consensus process achieved by a group of people who represent the whole specter of interests on this issue.

Jerry Peckumn said he could not understand the objection for someone voluntarily giving up the use of non-therapeutic antibiotics. He said he does not know about human resistance issues but the use of non-therapeutic antibiotics does affect other farmers because it creates a micro organism that is resistant, which can get into the environment and transfer to other hog farms.

Darrell Hanson said he believed there were two things that caused people to object to addition this factor to the matrix, the first is adding point to the matrix will cause the minimum number of points needed to pass to increase and the second is that it would not be even remotely enforceable.

Jerry Peckumn said that antibiotics are generally fed to the pigs through the water rather than the feed because sick animals will drink even when they don't want to eat. He suggested rewording it to say no antibiotic use in the feed.

Rita Venner asked if the factors that were not included in the matrix would be open for discussion during the public comment period.

Robin Pruisner said they would be.

A motion was made by Darrell Hanson to approve the notice of intended action with the amendment that all counties will be notified before the department inspects a proposed site. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS AMENDED

PRESENTATION - UNIVERSITY HYGIENIC LABORATORY CONTRACTED SERVICES RICK KELLEY, ASSISTANCE DIRECTOR

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The University Hygienic Laboratory (UHL) is the State of Iowa's Environmental and Public Health Laboratory. The Department has several contracts with the laboratory to provide analytical and fields services. Richard Kelley, Assistant Director of the University Hygienic Laboratory, will provide the Commission with an overview of the laboratory and the services that it provides; the new laboratory facility under construction; and answer specific questions the Commission asked concerning the laboratory's contracts at their August meeting.

Kelly, Rick (UHL Contracts)

Rick Kelly, Assistant Director of the University Hygienic Laboratory (UHL) said the laboratory was established by code in 1904 as the State's environmental and public health laboratory. The main laboratory is located in the Oakdale Campus at the University of Iowa, there is a branch lab on the first floor of the Wallace Building, and an annex operation for neonatal screening on Second Avenue in Des Moines. Combined the facilities employ approximately 200 people. The laboratory provides a variety of testing, and they average approximately 300,000 samples per year and 3,000 analyses per day. He said they hold certifications from a number of

organizations. The lab provides analytical, consulting, and educational services to the people of Iowa. He said they have a total ten contracts currently active between the DNR and UHL, with a total value of approximately 4.8 million dollars. He said when he left the DNR and went to work for UHL there was one agreement with a total value of approximately \$600,000. Over the years the Federal Government has expanded programs such as air quality monitoring and the Iowa Legislature and current administration has expanded programs like the ambient water quality monitoring, which has resulted in a huge influx of funding and a lot of additional activities that were not there ten years ago. Consequently because it became unmanageable to have all of the services UHL provided in one contract, they have been splitting the programs out to allow for easier tracking of the money and services provided. In addition it allows them to operate on different fiscal years for those contracts. These contracts cover the analytical services that they provide and the staffing levels needed to operate, they also cover approximately 20 employees who work for the Department of Natural Resources. The services not covered in the contracts such as providing training to DNR employees, an annual laboratory symposium, responding to inquiries from the Attorney General and testifying on the behalf of the DNR, are provided free of charge. In addition to these service UHL will undergo special studies for the Department for which they will split the cost. He said in response to Commissioner Priebe who asked if there were other labs that could provide these services, there are a number of private labs in the state who provide water chemistry for local municipalities and private citizens however several of these labs subcontract their work to UHL. Both EPA and USGS have outstanding facilities that could easily provide the department with the same amount of services but the cost would probably be higher and he said in many cases they are not set up as production labs so there might be a reduction in services. He said 2004 marks the 100th year of operation for the University Hygienic Laboratory and scheduled for completion in December of 2004 will be a new laboratory on the campus of Des Moines Area Community College (DMACC). They will be moving their two operations in Des Moines to the state laboratory facility at DMACC. He encouraged all of the Commissioners to visit the laboratory and said he would be happy to show them through at any time. He said in the right hand pocket of the material he handed out to the Commission there is additional information on the services they provide and what is included in the contracts.

(A copy of the information packet distributed by Mr. Kelly is available in the department's record center.)

INFORMATION ONLY

FINAL RULE, CHAPTER 82, WELL CONTRACTOR CERTIFICATION

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve a final rule adopting a new Chapter 82 – Well Contractor Certification. The changes to Chapter 82, if approved, include:

- creating a new category of “Certified Well Plugging Contractor” for contractors that only plug large diameter wells and establishing continuing education requirements therefore;
- increasing certificate renewal fees for well contractors and increasing fees for well contractors that fail to obtain the necessary continuing education (CEUs);

- allowing the well contractor certification test to be taken by county sanitarians (this would not allow them to become certified contractors unless they meet all of the well contractor qualifications);
- changing the allowance for oral examination and allowing for reasonable accommodation; and
- decreasing the continuing education requirements for certified well drillers.

The proposed new Chapter 82 was published as a Notice of Intended Action in May 2002 and six public hearings were held. A responsiveness summary addressing the comments received was prepared and is attached to the agenda brief for Chapter 38 amendments (this summary includes comments received on proposed changes to Chapter 38 as joint hearings were held on both Chapters).

The only changes from the Notice are the elimination of the proposed subrule 82.7(9), Fee adjustments, and changing the time period for the recertification fee without CEUs to two years rather than the proposed four.

(A copy of the final rule is available in the department's record center.)

Jack Riessen said he would like to introduce Marion Maas to the Commission. Marian Maas is the Supervisor of the TMDL and Water Quality Assessment section. She was hired to replace Bill Ehm who left the DNR to head up the Division of Soil Conservation for the Department of Agriculture. He said Marian Maas has a Bachelors Degree from Iowa State University and a Masters and PHD from the University of Nebraska in cell biology and anatomy.

Jack Riessen said right now under the existing rules there are two ways to plug a well legally, one is to have a certified well driller do it or an individual can do it under the supervision of the county. The technology needed to close the large diameter shallow wells is not as great as it is to drill wells so there was an industry request to create this new category. Another aspect of the rulemaking requires the certified well driller to obtain continuing education credits, in the past a certified well driller would pass the initial test and then retest two years later without taking them. A continuing education program is designed to make sure the person demonstrates minimum competency and then progresses through additional education. This rulemaking establishes a fairly stiff penalty for not obtaining these credits. He said they reduced the number of continuing education credits necessary for certified well drillers because Iowa was a little higher than other states.

Kelly Tobin asked for a definition of a shallow large diameter well.

Brent Parker said it is a well that is less than 100 feet deep and greater than eighteen inches in diameter.

Motion was made by Kelly Tobin to approve the final rule as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE, CHAPTER 38, PRIVATE WELL CONSTRUCTION PERMITS (AMENDMENT)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve a final rule amending Chapter 38 – Private Well Construction Permits. The amendments, if approved, would:

- increase the fees for state-issued private well permits and require that a portion of the fee collected by counties with delegated permitting authority be submitted to the Department;
- require that construction permits be obtained for significant modifications to existing wells;
- allow the Department to contract for well permitting in those counties that do not accept delegation (e.g., allowing a neighboring county to run the program); and
- require the use of uniform statewide well numbering and allow for identification tagging of wells.

The proposed rules were published as a Notice of Intended Action in May 2002 and six public hearings were held. A responsiveness summary addressing the comments received was prepared and is attached (this summary also includes comments received on proposed changes to Chapter 82, Well Contractor Certification, as joint hearings were held).

The only change from the NOIA is the final rule will not eliminate the exemption for some monitoring wells. Under existing rules, monitoring wells required as part of Department issued permits or approvals do not need a private well construction permit. The amendments as proposed in the NOIA would have required permits for such monitoring wells exceeding a depth of 30 feet. The final rule as proposed would maintain the existing exemption. Although Department staff feel that a better system is needed to insure such monitoring wells do not endanger groundwater supplies and to document the location of these monitoring wells, the private well permitting program approach presented some problems and Department staff will be exploring other approaches to this issue.

In addition, a delayed implementation date of July 1, 2003 is being proposed for a portion of the amendments – the fee increases. The fee increases being adopted are needed to support the private well permitting program, including maintaining the new private well permitting database and providing additional technical assistance to counties and well drillers. The fee increase has support from counties and the well drilling industry as they acknowledge a need for an improved program. However, permit fees received by the state are deposited in the state's general fund, not a dedicated account. The Department will be seeking a general fund appropriation to support the private well program, but if such funds do not materialize and the Department cannot deliver on their promise of an enhanced program, the fee increase rule could be rescinded before fee collection started.

(A copy of the final rule is available in the department's record center.)

Jack Riessen said they held joint hearings for this and the previous rule. He said the most significant change in this rule is to require counties who are carrying out the private well

permitting program for the department to pass on \$25.00 of the private well permitting fee to the department. The department will then use the funds to improve the program. Counties are allowed to charge any amount they wish. For the permits that the department issues themselves the fee will be \$125.00. He said this rulemaking would also allow one county to contract with another county to carry out their program. He said the reasoning behind delaying implementation of the fee program is to allow the department time to request a dedicated fund from the Legislature.

Kelly Tobin asked if a landowner would be required to pay the fee for multiple wells at one location.

Brent Parker said the permitting system allows multiple wells per site at one time.

Motion was made by Rita Venner to approve the final rule as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT QUALITY CONSULTING INC - PRIVATE WELL TRACKING SYSTEM IMPROVEMENTS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is asked to approve a contract with Quality Consulting Inc. (QCI) for improvement of the Private Well Tracking System (PWTS). The contract is for \$38,350 and will be for 12 months. Funds for the contract will come from a combination of the Water Quality Protection Fund and the Grants to County Program funds.

The PWTS is an internet based program used for recording private well construction permits, well logs, and work done under the Grants-to-Counties program. This program allows county sanitarians and well contractors to enter this data directly into a state-managed database from any location. The PWTS went on line in December 2001 and has functioned well in the first nine months of use. However, extensive use by about 200 remote users has revealed some problems that need to be corrected and demonstrated the need for some program enhancements. The DNR's information technology (IT) staff is not able to complete the required improvements in a reasonable time period and, therefore, contract services are needed.

A request for proposals was sent to five qualified information technology companies in July. Two companies, Venturi Technology Partners (the original developer of the program) and QCI submitted proposals. An evaluation committee representing water supply, geological survey, and IT staff, including the IT Bureau Chief, reviewed the two proposals. Based on an evaluation of the submitted proposals and interviews with each company, the committee recommended hiring QCI. QCI demonstrated considerable initiative to investigate and understand the existing system and offered several possible alternative approaches that appeared to be of some advantage to the system. QCI also proposed using multiple staff where lower cost personnel could complete the

easier tasks and the more skilled personnel would only be utilized as needed. QCI had the lowest cost proposal at \$38,350 compared to Venturi's bid of \$45,695 when comparing equivalent expectations.

Jack Riessen said two or three years ago there had been four different disparate databases handling private well data at that time the Commission approved a major contract to develop new internet based private well tracking system. This system is on line and is working fairly well but while working with the program some minor problems and possible enhancements were identified. He said the other bid they received was from the company who actually developed the program; however the committee that reviewed the proposals felt that QCI had some unique ideas and could do the job a little cheaper.

Motion was made by Kelly Tobin to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE, CHAPTERS 65, ANIMAL FEEDING OPERATIONS; CHAPTER 70, FLOOD PLAIN DEVELOPMENT; CHAPTER 71, FLOOD PLAIN OR FLOODWAY DEVELOPMENT WHEN APPROVAL IS REQUIRED; AND CHAPTER 72, CRITERIA FOR APPROVAL (CONFINEMENT FEEDING OPERATIONS ON FLOODPLAINS)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be presented with a draft rule that would implement the provisions of SF 2293 prohibiting the construction of confinement feeding operations (CFOs) within floodplains.

SF 2293 prohibits the construction of all CFOs, regardless of size, within the 100 year floodplain of navigable streams and lakes, provided the Department has "designated" the location of each such floodplain by rule. Until such time as the floodplains have been designated by rule, SF 2293 provides for a case-by-case process to identify such floodplains, but the legislation is unclear as to whether CFOs are prohibited in floodplains if the case-by-case process is used.

The draft rules that will be presented will take the position that SF 2293 prohibits the construction of all CFOs on all navigable streams and lakes, regardless of the process used to identify or designate the floodplain (i.e., whether by rule or by case-by-case analysis). However, staff will discussing this issue further with the Commission and an issue paper discussing the relevant portions of SF 2293 in more detail will be provided to the Commission for discussion purposes prior to preparing a Notice of Intended Action for Commission approval in November.

(A copy of the proposed rule and issue paper is available in the department's record center.)

Jack Riessen distributed handouts to the Commissioners. He said he would like to concentrate the discussion on the issue paper and apologized for not having it to the Commission prior to the meeting. He said this rulemaking is yet another piece of the SF2293 implementation rules. If you look at the language of SF2293 the general sense is that it prohibits construction of

confinement facilities in the flood plain, however it does contain some language that is contradictory. He reviewed the information in the issue paper. He said it is the department's belief that the Legislature intended to actually implement this prohibition through two means, first the comprehensive flood plain mapping and secondly through a case by case determination. He said the reason they feel that way is because if you look at the language of Section 32, Subsection 5 (a) in an absolute manner it says that if the flood plain has not been designated by rule a facility could not be denied for any reason, even for failure to meet the matrix. He said the rules that are being developed by the department to implement this are proceeding on that assumption and he asked the Commission to keep in mind that the prohibition would affect any confinement feeding operation not just those requiring a permit.

INFORMATION ONLY

NOTICE OF INTENDED ACTION CHAPTER 7, RULES OF PRACTICE IN CONTESTED CASE (AMENDMENT)

Dave Wornson, Attorney for the Department of Natural Resources presented the following item.

The Commission will be approve the enclosed Notice of Intended Action to adopt amendments to chapter 7, "Rules of Practice in Contested Cases," 567 Iowa Administrative Code. The purpose of this rule-making is to update the rules to reflect the current department organization and to incorporate changes in the Iowa Administrative Procedure Act. The proposed action is to adopt by reference proposed changes to 561 Iowa Administrative Code Chapter 7, "Rules of Practice in Contested Cases," and these two rulemaking actions, as well as a similar adoption by reference by the Natural Resource Commission, will proceed concurrently.

(A copy of the notice of intended action is available in the department's record center.)

Dave Wornson briefed the Commission on the rulemaking. He said this will update the rules to reflect the name changes and references. It will also incorporate some specific changes that were made in the Iowa Administrative Procedure Act. One of the major changes in the Iowa Administrative Procedure Act deals with ex parte communication which could directly effect the Commission when it reviews contested case appeals. It also adopts specific procedures for the department to use when issuing emergency orders.

<i>Motion was made by Lori Glanzman to approve the notice of intended action as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.</i>

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION CHAPTER 2, PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (EMISSION AND EFFLUENT DATA DEFINITIONS)

Dave Wornson, Attorney for the Department of Natural Resources presented the following item.

The Commission will be asked to approve the enclosed Notice of Intended Action to adopt amendments to chapter 2, "Public Records and Fair Information Practices," 567 Iowa Administrative Code. The purpose of this rule-making is to adopt definitions for "emission data," and "effluent data." Iowa Code sections 455B.137 and 455B.179 authorize the department to maintain as confidential, information provided by industries which is "trade secret" or otherwise privileged, except for emission and effluent data, among other things. These terms are not defined in our rules, and to provide clarification to the regulated public and the department staff, we are proposing to adopt the federal definitions,.

(A copy of the notice of intended action is available in the department's record center.)

Dave Wornson said there is a specific Iowa Code section that says effluent and emission data is not to be treated as confidential records. Because it is not defined in the Iowa Code the staff has attempted to develop those definitions. He said the definition for the emissions data came from the Federal regulations that deal with treatment of emissions data as confidential or public record and the same formula was applied to the effluent data definition.

Darrell Hanson asked if there were some stakeholders worried about the loss of trade secrets.

Dave Wornson said this rule will not preclude a business or industry from making a legitimate claim of a business record which could be confidential. He said included in Chapter 2 there is a procedure and set of criteria for determining what they call a trade secret or business record confidentiality. This rule is attempting to make clear that what is public record extends beyond just the end result of the emission.

Motion was made by Lisa Davis Cook to approve the notice of intended action as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED.

REFERRAL TO THE ATTORNEY GENERAL

Dave Wornson, Attorney for the Department of Natural Resources presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

Ryan and Teresa Barton [Kellerton] air quality penalty collection.

Dave Wornson said this was an order that was issued for an open burning and a dumping violation. An administrative penalty of \$1,000 was assessed. The order was not appealed. The dumping violation has been satisfied by someone who purchased the property.

Motion was made by Darrell Hanson to refer Ryan and Teresa Barton to the Attorney General. Seconded by Rita Venner. Motion carried unanimously.

REFERRED

Wisconsin North, LLC [Camanche, Clinton] underground storage tanks.

Dave Wornson said this is a matter involving underground storage tank release. The department is requesting a referral to enforce an order that requires them to design a “Corrective Action Design Report” that will describe how they intend to address the high risk condition at an underground storage tank site. The order also required the party to implement a free product recovery system. The department is also recommending that a civil penalty be assessed for this site.

Motion was made by Darrell Hanson to refer Wisconsin North LLC to the Attorney General. Seconded by Lisa Davis Cook. Motion carried unanimously.

REFERRED

Jerry Chatfield, dba North Iowa Truck and Tractor [Floyd] solid waste/wastewater.

Dave Wornson said this was an order that required the party to obtain a general storm water permit and the submission of a pollution prevention plan. It also required the party to remove a certain number of tires from the site to bring it down to a permissible level and it assessed a \$3,000 penalty. The order was not appealed and the party has not complied with the order.

Motion was made by Lori Glanzman to refer Jerry Chatfield, dba North Iowa Truck and Tractor to the Attorney General. Seconded by Kelly Tobin. Motion carried unanimously.

REFERRED

**CONTRACT - UNIVERSITY HYGIENIC LABORATORY AMBIENT WATER QUALITY
MONITORING FOR FISCAL YEAR 2003**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of contract in the amount of \$1,325,770 with the University Hygienic Laboratory (UHL) for water monitoring activities.

This contract encompasses the majority of surface water monitoring conducted as part of the state-wide water monitoring program and is the primary basis for assessing the state’s stream water quality. The purpose of the monitoring program is to define the condition of Iowa’s water resources, characterize existing and emerging issues by geographic extent and magnitude, measure changes or trends in Iowa’s water quality, and provide information to citizens and

decision makers. To meet these goals, the Department utilizes the University Hygienic Laboratory for field sampling and analytical services. As part of this contract, UHL collects water samples at 81 stream sites throughout the state on a monthly basis and analyzes the water for a variety of parameters including nutrients, pesticides, pesticide break-down products, bacteria, synthetic organic compounds, metals, and water chemistry. Twenty-three of these sites are located upstream and downstream of 10 large cities to measure the influence of urban areas on surface water quality. Because many of the water quality parameters of interest reach their peak concentrations during high stream flows, seven sites are sampled more frequently during runoff events to assess the impacts of heavy rainfall on stream quality. Equipment to automatically gather samples during runoff events is also provided for in this contract and gives DNR the ability to monitor water quality at times that staff is not available to get to the site (weekends, nights, holidays). Funding for the citizen monitoring program, IOWATER, is also provided through this contract and includes the costs associated with training workshops (Level 1, Level 2, and Level 2 modules), three staff positions, and equipment for volunteers. Lastly, the contract contains provisions for special water quality studies that allow the Department to follow-up or verify abnormal results or pursue questions in greater depth.

Funding for this agreement is available from the State's Environment First Fund appropriated as part of the Iowa Water Quality Initiative.

Mary Skopec said this contract covers the bulk of the department's clean water act requirements. It involves 81 ambient stations across the state, which includes a variety of water quality parameters such as nutrients and pesticides. In addition they have 23 urban sites which monitors up stream and down stream of Iowa's biggest cities. It covers 7 event monitoring sites that look at what happens during intensive rainfall events. She said one of the more important parts of this

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

PPROVED AS P

CONTRACT UNIVERSITY OF NORTHERN IOWA MC LOUD RUN BENTHOS S

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract with University of Northern Iowa – Department of Biology in the amount of \$24,606. The contract is titled: McLoud's Run Benthos Survey.

the ability of McLoud's Run to support trout populations and to determine the level of chlordane contamination within this urban watershed. This contract covers the time period from July 15, 2002 – December 31, 2003.

Chlordane contamination in fish of Cedar Lake was discovered in 1985 during a study of chlordane contamination in the Cedar Rapids area. The source of the chlordane in Cedar Lake fish is believed to be runoff from urban residential areas with houses treated with chlordane to prevent infestations of termites. McLoud's Run is a coldwater tributary to Cedar Lake and supports stocked trout. Recent tissue analyses on fish in McLoud's Run have shown low levels of chlordane. However, water quality analyses have failed to document the presence of chlordane in the stream's water. This project attempts to use the macroinvertebrate population as a potential indicator for chlordane movement in the stream by determining the level of chlordane that has accumulated within the organism tissue. This project further measures the ability of McLoud's Run to sustain trout populations by determining relative abundances of various macroinvertebrates. Funding provided in this contract will allow samples to be collected at 3 sites on McLoud's Run for: 1) monthly macroinvertebrate density quantification; 2) monthly periphyton sampling for chlorophyll a and biomass quantification; and 3) seasonal macroinvertebrate tissue analyses for chlordane. As Iowa's only urban, coldwater stream, McLoud's Run is a valuable resource and is currently the focus of restoration activities. This project will provide the information needed to assess the potential for a successful restoration of this unique stream.

A report of the survey results will be produced at the end of the contract period and will be made available to the public either in hardcopy format or on the internet.

Funding for this contract is available from the Environment First Fund as part of the Water Quality Initiative.

Mary Skopec briefed the Commission on the contract. She said this study will tell how able DNR is to rehabilitate this type of stream.

Motion was made by Jerry Peckumn to approve the contract with University of Northern Iowa as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT UNIVERSITY OF NORTHERN IOWA - ORGANOPHOSPHORUS INSECTICIDE CONTAMINATION IN STREAMS: INSECTS AS BIOINDICATORS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$35,523 with Dr. Kurt Pontasch, Department of Biology, UNI to conduct pesticide monitoring of streams for the time period of February 1, 2002 through April 30, 2003. The contract is titled: Organophosphorus Insecticide Contamination in Streams: Insects as Bioindicators – Year 3.

This contract covers the third year of a project designed to examine the feasibility of using benthic macroinvertebrates as indicators of exposure to organophosphorus insecticides. Traditional chemical analyses of pesticides is expensive and infrequent sampling may not detect periodic episodes of insecticide contamination. This project searches to supplement the more traditional monitoring with tools that may provide more information on the extent of insecticide contamination in Iowa streams. Dr. Pontasch measures the suppression of cholinesterase in a mayfly, *Isonychia bicolor*, as a measure of exposure to organophosphorus insecticides such as turbofos (Counter) and chlorpyrifos (Lorsban/Dursban). Cholinesterase is a chemical that controls nerve impulses in all animals. Suppression

occurs quickly upon exposure, and the suppression appears to be proportional to dose. Cholinesterase

Insecticides are only occasionally measured in normal chemical stream monitoring because they remain in the water only a short time, and monitoring rarely occurs during those durations. The chemical record

insecticide exposures in Iowa streams. Preliminary research suggests exposure in several northeast Iowa streams.

Mary Skopec said this is an amendment to a contract. She said this study looks at the enzyme activity in the head of a larvae fly to see if it has been exposed to insecticide.

Mary Skopec said because they have come across some things that they did not expect so they are planning to continue the study through this year and maybe next.

Iowa as presented. Seconded by Lori Glanzman. Motion carried unanimously.

A

PRESENTED

CONTRACT	STATE	UNIVERSITY	VALUE OF	RESERVING
I	S	L		

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract with Iowa State University – Center for Agricultural and Rural Development in the amount of \$75,565. The contract is titled: The Economic Value of Preserving and Restoring Water Quality In Iowa's Lakes.

The purpose of this project is to provide the Iowa Department of Natural Resources with information on improvements to water quality in these lakes. This contract covers the first year of a three-year project

a random population survey of residents of Iowa and nearby states. The information collected will include visitation patterns to Iowa lakes, assessment of water quality characteristics, socioeconomic data and a series of questions designed to elicit the value that Iowan's place on changes in the water quality of the state. Additionally, the data collected on direct use of the lake will be used to infer the respondent's

lakes. In addition to providing estimates of the value of water quality preservation and improvements to visitors and citizens of Iowa, the study will also collect information on the value of marketed goods and

localities as a consequence of the recreational resources in the area will be produced. This information should be of great interest to local citizens and policy makers interested in promoting and maintaining the viability of local communities.

A report of the survey results will be produced at the end of the contract period and will be made available to the public either in hardcopy format or on the internet.

Funding for this contract is available from State General Fund Appropriations, Fish, and Wildlife Funds, the Environment First Fund (Water Quality Initiative).

Mary Skopec said this study will attempt to determine how much Iowans value Iowa lakes and how much they would be willing to pay for improvements. She said the first part of the survey will be a random sampling and the second part will be taking a sample of the people who actually use Iowa lakes.

Motion was made by Lisa Davis Cook to approve the contract with Iowa State University as presented. Seconded by Kelly Tobin. Motion carried with six aye votes. Darrell Hanson abstained due to conflict of interest.

APPROVED AS PRESENTED

MONTHLY REPORTS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	ARC #	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 2 Public Records and Fair Information Practices (Emission and Effluent Data Definitions)	10/21/02	*11/13/02		*12/03/02	-----	*12/03/02	*1/21/03	*1/21/03	*2/19/03		*3/04/03	*3/12/03
2. Ch. 7 Rules of Practice in Contested Cases	10/21/02	*11/13/02		*12/03/02	-----	*12/03/02	*1/21/03	*1/21/03	*2/19/03		*3/04/03	*3/12/03
3. Ch. 20, Ch. 28 Ambient Air Quality Standards (CAFO)	7/22/02	8/21/02	1876B	9/10/02	9/17, 24, 30, 10/02	10/04/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
4. Ch. 22 Definition of Stationary Source Categories	5/20/02	6/12/02	1710B	7/09/02	7/11/02	7/26/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
5. Ch. 28 Ambient AQ Sampling Manual	8/19/02	9/18/02		*10/01/02	10/08, 15, 16, 23/02	11/01/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
6. Ch. 38 Private Water Well Construction Permits	4/15/02	5/15/02	1619B	6/11/02	6/4-6, 13/02	6/07/02	10/21/02	*10/21/02	*11/13/02		*12/03/02	*12/18/02
7. Ch. 60, 62, 63 Federal Effluent and Pretreatment Standards							9/16/02	9/16/02	10/16/02		*11/05/02	*11/20/02
8. Ch. 60, Ch. 64 Stormwater Regulation Amendments	6/17/02	7/10/02	1778B	8/13/02	8/16/02	8/16/02	9/16/02	9/16/02	10/16/02		*11/05/02	*11/20/02
9. Ch. 65 Animal Feeding Operations Interim Matrix	7/22/02	8/21/02	1878B	9/10/02	9/10/02	9/10/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
10. Ch. 65 Animal Feeding												

Operations Construction Resolutions	County Evaluation	8/19/02	9/18/02	1989B	*11/05/02	10/08/02	10/08/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
11. Ch. 65 Animal Feeding Operations Minimum Separation Distance; Annual Compliance Fee; MMP Annual Updates; site inspections; Construction permit Application Review; table 6 Amendment		10/21/02	*11/13/02		*12/03/02			*1/21/03	*1/21/03	*2/19/03		*3/04/03	*3/12/03
12. Animal Feeding Operations Master Matrix		10/21/02	*11/13/02		*12/03/02			*1/21/03	*1/21/03	*2/19/03		*3/04/03	*3/12/03
13. Ch. 82 Well Contractor Certification		4/15/02	5/15/02	1618B	6/11/02	6/4/6, 13/02	11. 6/07/02	10/21/02	*10/21/02	*11/13/02		*12/03/02	*12/18/02
14. Ch. 102 Permits; Ch. 103 Sanitary Landfills (Rescind); Ch. 103 SLP; Coal Combustion Residue; Ch. 110 Design, Construction and Operation Standards for Solid Waste Management Facilities; Ch. 112 SLP; monofills; Ch. 113 SLP; Municipal Solid Wastes; Ch. 114 SLP; Construction and Demolition Waste; Ch. 115 SLP; Industrial Monofills		8/19/02	9/18/02	1988B	10/09/02	10/08/02	10/08/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
15. Ch. 107 Beverage Container Rules		9/16/02	10/16/02		*11/05/02	*11/07/02	11/07/02	*12/16/02	*12/16/02	*1/08/02		*2/04/02	*2/12/02
16. Ch. 117 Waste (re-facilities (Set-back Distances))		10/21/02	*11/13/02		*12/03/02	*12/04/02	*12/04/02	*1/21/03	*1/21/03	*2/19/03		*3/04/03	*3/12/03
17. Ch. 118 Unscarded Appliance Dismantling		3/18/02	4/17/02	1540B	5/15/02	5/14/02	5/14/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
18. Ch. 134 Rules for Determining Clean-Up Actions & Responsible Parties		5/20/02	6/12/02	1711B	7/09/02	7/02/02	7/02/02	8/19/02	8/19/02	9/18/02	1991B	*10/09/02	*10/23/02

Monthly Variance Report

September, 2002

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Garst Seed Company-Coon Rapids	Air Quality		Permit Requirements	Approved	09/30/02
2	Holcim, Inc.-Mason City	Air Quality		Permit Requirements	Approved	09/03/02
3	Osceola Foods-Osceola	Air Quality		Permit Requirements	Approved	09/30/02
4	Vermeer Manufacturing Co.-Pella	Air Quality		Permit Requirements	Denied	09/04/02
5	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Directional Boring, Sewer Slope	Approved	09/03/02
6	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Inter-Cell Control Structures	Approved	09/03/02
7	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Valve Pit	Approved	09/03/02

8	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Manhole Spacing	Approved	09/03/02
9	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Cleanouts	Approved	09/03/02
10	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Pond Influent Piping	Approved	09/03/02
11	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Minimum Sewer Size	Approved	09/03/02
12	Millersburg, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Number of Lagoon Cells	Approved	09/03/02
13	Oelwein, City of	Wastewater Construction	Earth Tech	Reliability	Denied	09/18/02
14	Polk City, City of	Wastewater Construction	Snyder & Associates	Sewer Pipe Material	Approved	09/11/02
15	St. Anthony, City of-(Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Minimum Sewer Size	Approved	09/05/02
16	St. Anthony, City of-(Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Cleanouts	Approved	09/05/02
17	St. Anthony, City of-(Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Number of Lagoon Cells	Approved	09/05/02
18	St. Anthony, City of-(Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Manhole Spacing	Approved	09/05/02
19	St. Anthony, City of-(Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Valve Pit	Approved	09/05/02
20	St. Anthony, City of-(Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Pond Influent Piping	Approved	09/05/02

21	St. Anthony, City of- (Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Inter-Cell Control Structures	Approved	09/05/02
22	St. Anthony, City of- (Central Iowa Water Association)	Wastewater Construction	McClure Engineering Co.	Sewer Grade	Approved	09/05/02
23	East Fork Grand River Watershed- Site D-72-Ringgold County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	09/05/02
24	Sioux City, City of- Perry Creek	Flood Plain	U.S.Army Corps of Engineers	Freeboard	Approved	09/03/02
25	West Fork of Big Creek Watershed - Site S-6-Decatur County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	09/05/02
26	Atlantic, City of	Wastewater Operation		Monitoring Frequency	Approved	09/20/02
27	Sioux City, City of	Wastewater Operation		Monitoring Frequency	Approved	09/25/02
28	IDNR/ISU Emergency Animal Mortality Composting Research Project- ISU-Boone County	Solid Waste		Compost	Approved	09/03/02
29	St. Ann's Catholic Church-Long Grove	Watersupply Construction	Shive-Hattery	Siting Criteria	Approved	09/17/02
30	St. Ann's Catholic Church-Long Grove	Watersupply Construction	Shive-Hattery	Design Basis	Approved	09/17/02

During the period September 1, 2002, through September 30, 2002, 64 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)

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December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	81 (55)	4 (7)	59 (36)	18 (12)	21 (13)	53 (33)	0 (0)	3 (0)	0 (0)	4 (9)
February	62 (58)	4 (0)	44 (43)	14 (15)	20 (14)	37 (36)	1 (0)	2 (4)	1 (1)	1 (3)
March	93 (80)	8 (3)	68 (55)	17 (22)	27 (21)	57 (48)	1 (1)	1 (2)	3 (2)	4 (6)
April	155 (126)	47 (32)	83 (71)	24 (23)	44 (35)	99 (78)	2 (3)	1 (4)	5 (1)	4 (5)
May	112 (113)	29 (24)	73 (65)	10 (24)	22 (28)	81 (71)	0 (3)	2 (3)	0 (1)	7 (7)
June	117 (92)	20 (17)	79 (59)	18 (16)	31 (25)	70 (58)	6 (1)	0 (3)	1 (0)	9 (5)
July	100 (68)	6 (7)	71 (50)	23 (11)	21 (19)	72 (37)	3 (0)	1 (2)	0 (1)	3 (9)
August	72 (93)	6 (12)	52 (62)	14 (19)	18 (19)	49 (58)	1 (4)	1 (4)	1 (1)	2 (7)
September	64 (66)	4 (4)	46 (40)	14 (22)	18 (22)	37 (41)	2 (0)	2 (2)	0 (1)	5 (0)
Total	1058 (913)	147 (113)	719 (591)	191 (208)	300 (247)	652 (555)	22 (12)	14 (30)	15 (10)	55 (59)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	4	9	10	21	13

*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown and Other".

During the period September 1, 2002, through September 30, 2002, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	4 (0)	8 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (4)	0 (0)	0 (4)	0 (0)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)	0 (2)
March	3 (2)	0 (0)	1 (1)	1 (1)	1 (0)	2 (1)	1 (1)	0 (0)	0 (0)	1 (0)
April	6 (6)	0 (0)	4 (3)	1 (0)	1 (3)	6 (5)	0 (1)	0 (0)	0 (0)	3 (0)
May	6 (3)	0 (0)	3 (3)	3 (0)	0 (0)	2 (3)	4 (0)	0 (0)	0 (0)	3 (0)
June	0 (2)	0 (0)	0 (2)	0 (0)	0 (0)	0 (2)	0 (0)	0 (0)	0 (0)	0 (0)
July	4 (3)	1 (0)	2 (2)	1 (1)	0 (0)	2 (3)	2 (0)	0 (0)	0 (0)	2 (2)
August	2 (3)	0 (1)	2 (1)	0 (0)	0 (1)	2 (3)	0 (0)	0 (0)	0 (0)	1 (2)
September	2 (8)	0 (2)	2 (3)	0 (3)	0 (0)	2 (3)	0 (5)	0 (0)	0 (0)	0 (5)
Total	40 (42)	2 (3)	21 (25)	10 (9)	0 (0)	30 (34)	8 (8)	2 (0)	0 (0)	14 (13)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1 2 3 4 5 6
0 1 1 0 0 0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Richard Davis, Wapello Co. (6)	Air Quality	Asbestos	Referred to AG	8/16/02
Stan Siems, Hardin Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$7,500	8/30/02
Kenneth Kline; Lynn Kline, Harrison Co. (4)	Animal Feeding Operation	Monitoring/Reporting; Operational Violations; Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Consent Order \$3,500 SEP	9/04/02
Matter's Ballroom, Decorah (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$300	9/06/02
Rayburn Court for Mobile Homes, Mason City (2)	Drinking Water	MCL – Other Inorganics; Compliance Schedule; Public Notice; CCR	Order/Penalty \$500	9/06/02
Holnam, Inc., Mason City (2)	Air Quality	Operational Violations	Consent Amendment	9/12/02
M-F Real Estate, Inc.; Fred Levell, Carter Lake (4)	Hazardous Condition	Remedial Action	Referred to AG	9/16/02
Taylor Oil Company, Inc. d/b/a Taylor Quik-Pik, Shelby (4)	Air Quality	Fugitive Dust	Order/Penalty \$1,000	9/25/02
Deere & Company d/b/a John Deere Ottumwa Works, Ottumwa (6)	Air Quality	Emission Standards	Consent Order	9/25/02
M. Poe Investments, Inc. d/b/a Advanced Technologies	Air Quality	Asbestos	Order/Penalty \$4,000	9/25/02

Corp.,
Cedar Falls (1)

Charles Butler, Hardin Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	9/25/02
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Allan Scott, Marion Co. (5)	Solid Waste Wastewater	Illegal Stormwater – Without Permit	Disposal; Operation	Order/Penalty \$1,150	9/25/02
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Sanborn P & L, Inc.; Douglas R. Bras, Sanborn (3)	Underground Tank	UST Closure	Order/Penalty \$3,040	9/25/02
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James Caldwell d/b/a Caldwell Meats, Inc., Marshalltown (5)	Underground Tank	UST Closure	Order/Penalty \$1,990	9/25/02
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Glolin, Inc.; Charles K. Weber; Gloria Weber; Harold L. Foster; Carolyn Foster, Shenandoah (4)	Underground Tank	UST Closure	Order	9/25/02
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Monte Lapel, Crawford Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty \$1,300	9/26/02
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Kevin Wallerich and Wallerich Family Trust, Washington Co. (6)	Solid Waste Wastewater	Illegal Stormwater – Without Permit	Disposal; Operation	Amended Order	9/26/02
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Audubon, City of (4)	Wastewater	Compliance Discharge Limits	Schedule;	Amended Order	9/26/02
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Finley Mondia, West Chester (6)	Underground Tank	Site Assessment	Order/Penalty \$6,430	9/30/02
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The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99

Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Days Inn 2 nd Addition (Williamsburg)	WS	10,000	4-07-02
* Steve Friesth (Webster Co.)	AQ/SW	450	4-15-02
* Kiefer Built, Inc. (Kanawha)	AQ	5,000	5-30-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Patrick M. Pinney Contractors, Inc. (Sioux City)	AQ	2,100	4-23-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Moonshine Tap (New Hampton)	WS	300	4-30-02
Bubba's Bar & Grill (Cresco)	WS	175	4-30-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
* George Redman (Mitchellville)	AQ	4,500	6-15-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
Coin, City of	WS	250	6-28-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02

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Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Leonard Anderson (Linn Grove)	UT	1,160	7-09-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Air Bears II (Thompson)	WS	300	7-13-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Rocky Knoll Mobile Home Park (Forest City)	WS	10,000	8-18-02
Timothy Eischeid (Carroll Co.)	SW	2,000	8-25-02
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,800	9-01-02
Park View Motel (Oelwein)	WS	750	9-06-02
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	1,750	9-15-02
* Paul L. Nagle (Clear Lake)	AQ	1,000	9-15-02
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	1,750	9-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Poweshiek Water Assoc. (Benton Co.)	WW/HC	10,000	9-21-02
#*Mark Pearson (Adams Co.)	AFO	165	9-23-02
Bog's Bar (Langworth)	WS	400	9-23-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
# Kenneth Kline; Lynn Kline (Harrison Co.) SEP	AFO	3,500	10-04-02
* Jeff Dean (Mills Co.)	AQ/SW	800	10-08-02
* Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	750	10-15-02
* Winter Mobile Home Park (New Hampton)	WS	1,400	10-15-02
Bradyville, City of	WW	3,500	10-31-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Stanley Siems (Hardin Co.)	AQ/SW	7,500	11-05-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Midwest Farmers Coop (Sheldon) Natural Resources	WW	75,000	6-30-03
Damages			
# Rome Pork, L.L.C.; William Huber (Jefferson Co.)	AFO	2,000	-----
Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	-----
Matter's Ballroom (Decorah)	WS	300	-----
Rayburn Court for Mobile Homes (Mason City)	WS	500	-----
Taylor Oil Co., Inc.; Taylor Quik-Pik (Shelby)	AQ	1,000	-----
Charles Butler (Hardin Co.)	AQ/SW	1,000	-----
Allan Scott (Marion Co.)	SW/WW	1,150	-----
Monte Lapel (Crawford Co.)	SW	1,300	-----
M. Poe Investments, Inc.; Advanced Technologies Corp. (Cedar Falls)	AQ	4,000	-----
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990	-----
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	-----
Finley Mondia (West Chester)	UT	6,430	-----

TOTAL	367,111
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The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94

E02Oct-33B

Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
TOTAL		189,794	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000

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Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Onawa Country Club (Onawa)	WS	1,500
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000
Sapp Bros. Truck Stops, Inc. (Percival)	WS	10,000
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Big Rock Country Club (Fayette Co.)	WS	1,500
# Lawrence Handlos (Audubon Co.)	AFO	3,000
# Kris King (Audubon)	AFO	500
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Minden, City of	WW	3,000
Jones Co. Conservation Board; Central Park	WS	250

Arthur, City of	WW	2,000
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
Wellington Environmental (Davenport)	AQ	4,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Allison, City of	AQ	10,000
Cordes Excavating; Clint Cordes (Allison)	AQ	1,000
Waukon Golf and Country Club (Waukon)	UT	2,480
Thombert, Inc. (Newton)	AQ	5,000
College Pro Painters (U.S.), Ltd. (Ames)	WW	10,000
Nevada, City of	WW	9,000
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
# Jason Strike (Allamakee Co.)	AFO	1,200
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
# Futura Dairy, LLP (Linn Co.)	AFO	5,000
Mitchell County; Mitchell County Engineer	AQ/SW	750

TOTAL 418,285

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*#Roger Bockes, et. al. (Tama Co.)	AFO	100
R.V. Hopkins, Inc. (Davenport)	AQ	500
* Jeff Dean (Mills Co.)	AQ/SW	400
Stone Investments, L.C.; A-Line Iron & Metals (Waterloo)	AQ	1,000
#*Mark Pearson (Adams Co.)	AFO	165
* Minifarm Acres, Inc. (Cedar Co.) PAID IN FULL	WS	375
# Leo Pieper (Guthrie Co.)	AFO	1,250
* Orrie's Supper Club, Inc. (Hudson) PAID IN FULL	WS	390
* James Nizzi; Alice's Spaghettiland (Clive) PAID IN FULL	WS	100
Worth County; Worth County Engineer	AQ/SW	750
* Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	750
* Winter Mobile Home Park (New Hampton)	WS	350
West Liberty, City of	WW	5,000
TOTAL		11,050

The \$1,000 penalty assessed to Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills) has been rescinded.

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The \$500 penalty assessed to Adrian Skoda; Bowlaway Lanes (New Hampton) has been rescinded.

ABC Disposal Systems Hiawatha UPDATED	(1)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Petitioner's Brief State's Brief Hearing	6/26/02 7/17/02 8/30/02 9/18/02 10/07/02
Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City (6)		Asbestos Air Quality		Asbestos Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 12/09/02
Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)		Asbestos Air Quality		DNR Defendant Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal State's Brief Defendant's Brief	12/28/00 1/18/01 7/09/01 7/30/01 6/06/02 6/07/02
Bauer, Michael Davenport UPDATED	(6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Default Judgment	2/18/02 8/08/02 9/23/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)		Solid Waste	Solid Violations	Waste Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)		Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Davis, Richard Wapello Co. NEW	(6)	Air Quality	Asbestos	Order/Penalty	Referred	8/19/02
Golden, Randy S.; R. Excavating Council Bluffs (4)		Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Huyser, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. UPDATED	(5)	Animal Operation	Feeding Failure to Retain; Freeboard Violations; Failure to Have Approved	Referred to Attorney General	Referred Petition Filed Trial Judgment (\$95,000/Civil-	4/17/00 9/27/00 10/24,25/ 01

			MMP			Injunction) Appealed to Supreme Court Appellant's Brief State's Brief	11/19/01 1/09/02 8/19/02 8/19/02
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Operation	Feeding	Prohibited Discharge Confinement	–	Referred to Attorney General	Referred	2/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste		Illegal Disposal		Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality		Construction Without Permit		Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste		Open Burning Illegal Disposal		Order/Penalty	Referred	5/21/01
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality		Emission Limits		Referred to Attorney General	Referred	1/22/02
M-F Real Estate, Inc.; Fred Levell Carter Lake (4) NEW	Hazardous Condition		Remedial Action		Order/Penalty	Referred	9/16/02
Mills County Landfill Association Mills Co. (4) UPDATED	Solid Waste		DNR Defendant		Defense	Petition Filed Intervention by Iowa Waste Systems State's Answer	9/26/01 5/02/02 5/20/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste		Illegal Disposal		Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater		Discharge Limits		Order/Penalty	Referred Petition Filed	2/19/01 3/20/02
Oberly, Marvin Burlington (6) NEW	Wastewater		Operation Without Permit		Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley;					Referred to	Referred Petition Filed	12/15/97 10/02/98

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Ken Renfrow; Mike	Solid Waste	Permit Violations	Attorney General	Application for Temporary Injunction	2/04/99
Danley				Temporary Injunction	4/19/99
Warren Co. (5)				Trial Date	9/13/00
				Partial Judgment (Clean-up Order)	9/28/00

Severson, Dennis d/b/a				Referred	3/18/02
Huxley Dry Cleaners				Motion for Judgment	9/27/02
Huxley (5)	Air Quality	Operational Violations	Order/Penalty		
UPDATED					

Thomas, Donald L. and	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review	9/21/01
Barbara S.				Answer	10/29/01
Linn Co.				Dismissed	5/06/02
UPDATED					

West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred	7/16/01
UPDATED				Petition Filed	1/30/02
				Trial Date	1/21/03
				Consent Decree	9/09/02
				(\$34,472.10/Civil; \$5,000/Admin.; Injunction)	

Williams Pipeline				Referred	7/16/01
Company LLC				Petition Filed	8/07/02
Waterloo/Dubuque/	Air Quality	Construction Without Permit	Order		
Milford (1, 3)					

Wisconsin North, LLC				Referred	1/22/02
d/b/a				Motion for Judgment	7/26/02
National Petroleum Co.	Underground	UST Closure; Site		Hearing Date	10/23/02
UST #8606997, 8606993,	Tank	Check	Order/Penalty		
8606996					
Clinton (6)					

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. 7/19/02 – Re-engagement letter and renewal of settlement offer sent 7/19/02.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
4/05/93	Mapleton, City of	4	WW Certification Operator	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested.

10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	7/25/02 Settlement offer sent. Response promised for October.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	9/12/02 Tentative penalty settlement subject to correction of recent inspection deficiencies.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	6/28/01 Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 Referral to AG office by EPC. 1/30/02 District court petition filed by AG's office. 7/02 Settlement offer under consideration by City concerning AG referral and Dept. appeal. 9/9/02 District consent order entered. 9/16/02 Penalty assessed by the order paid. Case closed.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Hearing set for 10/4/02.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	7/02 – One issue of appeal remains to be settled.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settled. Waiting for signed amended consent order. Deadline 9/30/02.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision.

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						awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel s Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	ALJ decision 2/8/02 affirmed order. No appeal. Treatment facilities installed. Penalty rescinded. Case closed.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 Penalty settlement offer accepted. Monthly installments commence 10/30/02.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Settled. Case closed.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan initiated.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Settled. Case closed.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	9/9/02 Letter received from city engineer regarding compliance schedule and appeal issues.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	9/16/02 Penalty payment received. Case closed.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 – First two penalty payments received.

9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting to be held in Sept. or Oct.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	AGP has sold this facility. Checking with new owner regarding interest in appeal issue. Deadline 8/1/02.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 Settled. Facility agreed to pay penalty in installments. 9/19/02 Final payment made. 9/24/02 Letter sent closing appeal. Case closed.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Proposed EPA consent order received. Under review by DNR engineers.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into. 7/1/02 – Dept. letter with consent order to city attorney. 7/22/02 – Consent order signed by Director and issued. 7/29/02 – City attorney sent motion to dismiss appeal to ALJ. 8/5/02 – ALJ issued order closing appeal. Penalty payment due 10/31/02.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	7/15/02 Dept. advised that 3 rd well was constructed. WS requested to be classified as a non-PWS since it does not meet criteria for PWS. 8/1/02 Dept. letter to WS about reclassification. 8/20/02 Response received from facility developer. 8/30/02 Dept. requested more information. 9/18/02 Dept. letter to developer. 9/26/02 Response received from developer.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiations continue.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up schedule agreement reached. Hearing continued to 11/08/02.
5/01/01	Onawa Country Club	4	Admin. Order/Penalty	WS	Tack	7/23/02 – Settlement offer renewed.

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	and Golf Course					
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Compliance initiated.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Compliance achieved, negotiating penalty pending change in UST fund rule.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated, penalty settlement pending completion of tank closure.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc.
7/02/01	Bulk Petroleum Corp . d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. Midway has failed to sign settlement agreement and is in breach of oral agreement.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy. Negotiating with trustee.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Negotiating penalty or SEP.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.

9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Penalty settlement pending completion of Tiered assessment.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Development Co.	3	Admin. Order/Penalty	WW	Tack	9/24/02 Sent to DIA.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Compliance achieved except for probationary period.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Hearing continued. Settlement agreement signed. Resolution of penalty pending completion of site assessment. Adjoining property access problem now has to be resolved.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	8/8/02 Proposed ALJ decision; no appeal. Case closed.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	8/8/02 Proposed ALJ decision; no appeal. Case closed.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty payment plan established.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 Letter received from MHP attorney.
1/24/02	Bowlaway Lanes	1	Order/Penalty	WS	Tack	Penalty rescinded. Business foreclosed upon. Case closed.

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1/29/02	Partners Investments, Inc.	Four	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
1/29/02	Van Development (Whispering Pines)	Meter Corp.	5	Order/Penalty	WW	Murphy	Hearing held 9/25/02.
2/08/02	ADM – Clinton		6	Permit Conditions	AQ	Preziosi	Requesting additional materials to review.
2/20/02	Storm Lake, City of		2	Permit Conditions	WW	Hansen	Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/5/02 Dept. received letter from City attorney and City engineer; under review by WW permits section. Hearing rescheduled for 10/23/02.
2/25/02	Lee County		6	Permit Conditions	WW	Hansen	Hearing scheduled for 11/5/02.
3/13/02	Sapp Truck Stops, Inc.	Bros.	4	Order/Penalty	WS	Murphy	Hearing set for 10/18/02.
3/14/02	Brett George d/b/a Cedar Valley Tree Service		6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02.
3/20/02	Mike Messerschmidt		6	Order/Penalty	AQ/SW	Book	In the process of finalizing consent amendment.
4/11/02	William Habhab		2	Order/Penalty	SW	Tack	City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02.
4/12/02	Well's Dairy, Inc.		3	Order/Penalty	WW	Hansen	4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement.
4/17/02	Lawrence Handlos		4	Order/Penalty	AFO	Clark	Negotiating before filing.
4/17/02	Kris King		4	Order/Penalty	AFO	Clark	Negotiating before filing.
4/22/02	Big Rock Country Club		1	Order/Penalty	WS	Tack	9/17/02 Settlement offer sent.
4/23/02	AssaAbloy Door Group, LLC d/b/a Curries Co.		2	Denial of Exemption for Construction Permit	AQ	Book	Appeal resolved. Case closed.
4/30/02	Dennis Frederickson; Mark Frederickson		4	Order/Penalty	AQ/SW	Preziosi	10/04/02 deadline to respond to DNR letter.
5/01/02	Piper Company, Bruce d/b/a Super Car Wash	Motor Inc.; Piper Clean	6	Order/Penalty	WW	Murphy	Hearing set for 10/7/02.
5/02/02	Minden, City of		4	Order/Penalty	WW	Hansen	Amended order to be issued to resolve appeal. 9/3/02 Letter from city engineer regarding project and new

						schedule.
5/03/02	M.A., Spring Grove MHP Inc.;	6	Order/Penalty	WW	Hansen	Hearing held 7/30/02. 8/27/02 Proposed decision issued by ALJ. No appeal received. Decision final. Awaiting penalty payment.
5/03/02	M.A., Westside Park for MH Inc.;	6	Order/Penalty	WW	Hansen	Hearing held 7/30/02. 8/27/02 Proposed decision issued by ALJ. No appeal received. Decision final. Awaiting penalty payment.
5/07/02	Jones Conservation Central Park County Board;	1	Order/Penalty	WS	Hansen	Negotiating before filing.
5/07/02	Goldsmith and Son, Inc.; Goldsmith Trucking	3	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and stipulated penalty if there are more violations within next 2 years. Penalty payment plan established and payments on schedule.
5/08/02	James Retha Wilson and	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	Swine Graphics Enterprises, L.P., ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	5/17/02 – Sent to DIA. To be submitted to ALJ by stipulation.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	Will resolve with other Wellington case. Appeal under consideration by Company.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Meeting scheduled for 8/21/02.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	Negotiating before filing.
6/14/02	Deer Track Subdivision; F & J Enterprises	4	Order/Penalty	WW	Murphy	Negotiating before filing.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/02	Clint Cordes; Cordes Excavating	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	9/10/02 Settlement offer sent.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	Will resolve with other Wellington case. Appeal under consideration by Company.

7/05/02	Marion Murray; Transfer Murray and Storage	6	Order/Penalty	UT	Wornson	Compliance initiated.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Compliance initiated.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Negotiating before filing.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	Negotiating before filing. \$500 penalty payment received for uncontested portion.
7/22/02	Thombert, Inc.	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Negotiating before filing.
7/31/02	College Pro Painters	5	Order/Penalty	WW	Murphy	Negotiating before filing.
8/08/02	Jason Strike	1	Order/Penalty	AFO	Murphy	Negotiating before filing.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Compliance initiated.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Clean-up under way. Progress to be reviewed after 10/31/02.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	New case.
8/26/02	Ag Processing (Eagle Grove)	2	Permit Conditions	AQ	Preziosi	New case. Settled.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	New case.
9/06/02	Mitchell Co. Board of Supervisors	2	Order/Penalty	AQ/SW	Book	New case. Meeting scheduled for 10/01/02.
9/06/02	Futura Dairy, LLP	1	Order/Penalty	AFO	Murphy	New case. Negotiating before filing.

During the period September 1, 2002 through September 30, 2002, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '01	9(5)	1	.0211	0	0(0)
November '01	4(1)	1	0.00133	2	0(0)

December '01	3(1)	2	3.50002	1	0(0)
January '02	4(5)	1	.007485	1	0(0)
February '02	5(2)	1.2	.012	2	0(0)
March '02	2(10)	1	.000125	0	0(0)
April '02	5(3)	1	0.50215	2	0(0)
May '02	2(10)	5.5	0.052	1	0(0)
June '02	3(6)	1	0.09667	1	0(0)
July '02	6(6)	2	0.15828	4	0(0)
August '02	3(9)	1	.0069	0	0(1)
September '02	3(5)	1	.13433	2	1(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	0	2	0	0

Darrell Hanson said when he is doing pesticide applicator training he is often asked why the cities are allowed to announce that they are going to discharge and then just do it.

Jack Riessen said there are various reasons to bypass; first if you get heavy rains and everything is filled up the choice is either to bypass or back raw sewage up into people's basements. The other is planned such as in a case where there is a mechanical failure and the municipality needs to install a new pump. He said in all cases the department will work with the cities to find out if there are other options available.

Jeff Vonk said he had signed a couple of administrative orders this month for municipalities.

INFORMATION ONLY

GENERAL DISCUSSION

Rita Venner said she would not be able to attend the November meeting.

Kathryn Murphy said she would like to thank who ever was responsible for sending the Commission the report from the P3 Intern Program that she received in the mail. She said she thought it was a wonderful program that may be a way of tapping into the young minds of the state.

Rita Venner asked the department if there was any way to give a variance to the 36 producers who had construction planned for this fall and now have to wait because the counties did not give public notice. `

Wayne Gieselman said because the public notification is a statutory requirement it cannot be waived.

Jeff Vonk said he would agree that the delay is unfortunate but at the same time there would be a much greater degree of risk for producers to go forward with their plans to build with a permit that contains flaws that may eventually be overturned.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 2:30 p.m., Monday, October 21, 2002.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Rita Venner, Secretary

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